

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	Confirmation No.: 8271
)	
Larry G. INGRAHAM)	Group Art Unit: 3611
)	
Application No.: 10/815,382)	Examiner: Cassandra Hope Davis
)	
Filed: April 1, 2004)	
)	
For: BASE SIGN WITH INTEGRAL SIGNAGE AND METHOD FOR ITS FABRICATION		

AMENDMENT UNDER 37 CFR § 1.111

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is in response to the Office Action mailed December 3, 2008 to which a response is due, without extension, by March 3, 2009. In view of the following amendments and remarks, Applicant respectfully requests the Examiner to reconsider and withdraw the outstanding rejections and allow all claims pending in the application.

Please reconsider the above-identified patent application as follows:

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper.

Remarks/Arguments begin on page 7 of this paper.

Amendments to the Claims:

This listing of claims will replace all prior versions, and listings of claims in the application:

Claims 1-11. (Cancelled)

12. (Currently Amended) A wall base comprising:

a three dimensioned element which defines a signage recipient base element adapted to be secured to an area where a wall meets a floor in a joint including a mounting surface adapted to secure to [[a]] the wall and an overlaying portion adapted to overlap and secure to a portion of [[a]] the floor so that the area where the wall meets the floor is hidden behind a length of said three dimensioned element when said three dimensioned element is securably mounted to the area where the wall meets the floor,

at least one signage donor element having three dimensions;

said base and donor elements being constructed of similar substance, except for at least one difference in appearance or tactile perception;

said base element containing a stencil-like portion, which is configured to support therein signage material from said signage donor element; and

three dimensional signage material, from said donor element, inserted into said stencil-like portion of said base element.

13. (Previously Amended) A wall base according to claim 12 in which, said donor element signage material comprises a plurality of sub-parts; and said stencil-like portion comprises a plurality of separate sub-portions, with each said sub-portion having inserted therein at least one of said plurality of donor element sub-parts.

14. (Previously Amended) A wall base according to claim 13 in which some of said sub-parts are of different colors.

15. (Previously Amended) A wall base according to claim 14 in which said recipient base element has a color contrasting from said different colors of said sub-parts.

16. (Previously Amended) A wall base according to claim 12 in which said one difference is color.

17. (Previously Amended) A wall base according to claim 12 in which said one difference is texture.

18. (Previously Amended) A wall base according to claim 12 in which said one difference is in the thickness dimension.

19. (Cancelled).

20. (Previously Amended) A wall base according to claim 12 in which said signage indicates evacuation information.

21. (Previously Amended) A wall base according to claim 12, in which said signage indicates an exit.

22. (Previously Amended) A wall base according to claim 12, in which said signage material is inserted by snap-fit to become integral within said base element.

23. (Previously Amended) A wall base according to claim 12, in which said signage indicates emergency instructions.

24. (Previously Amended) A wall base according to claim 12, in which the signage material indicates a direction.

25. (Currently Amended) A wall base to border and cover an area where a wall meets a floor so as to blend a transition from the wall to the floor, comprising:

a base element adapted to be secured to an area where a wall meets a floor in a joint having a mounting surface adapted to secure to [[a]] the wall and an overlaying portion adapted to overlap a portion of [[a]] the floor so that the area where the wall meets the floor is hidden behind a length of said base element when said base element is securably mounted to the area where the wall meets the floor, said base element defining an integral sign therein; and

a donor element configured to be securably mounted within said defined sign defined within said base element and having a surface adapted to contrast with a surface of said base element such that when said donor element is securably mounted within said sign, the contrast between said donor element and said base element is visibly distinguishable.

26. (Previously Amended) The wall base of claim 25, wherein said base element is one or more of the following:

- carpet cove base;
- carpet coving;
- cove base;
- stair riser;
- carpet cove cap;
- wall base;

cove wall base; and
resilient flooring material.

27. (Previously Amended) The wall base of claim 25, wherein said base element is comprised of one or more of the following: thermoset vulcanized rubber, thermoplastic rubber, and thermoplastic vinyl.

28. (Previously Amended) The wall base of claim 25, wherein said donor element is shaped to be in the form of one or more of the following: an alphabet letter, a number, and an arrow.

29. (Previously Amended) The wall base of claim 25, further comprising a phosphorescent substance located on the surface of said donor element.

30. (Previously Amended) The wall base of claim 25, further comprising glitter particles located on the surface of said donor element.

31. (Previously Amended) The wall base of claim 25, further comprising a photoluminescent substance located on the surface of said donor element.

32. (New) A system for a wall base comprising:

a wall;

a floor positioned at the bottom of the wall and forming a joint with the wall;

a three dimensioned element which defines a signage recipient base element adapted to be secured to the joint where the wall meets the floor including a mounting surface adapted to secure to the wall and an overlaying portion adapted to overlap a portion of the floor so that the area where the wall meets the floor is hidden behind a length of said three dimensioned element when said three dimensioned element is securably mounted to the area where the wall meets the floor,

at least one signage donor element having three dimensions;

said base and donor elements being constructed of similar substance, except for at least one difference in appearance or tactile perception;

said base element containing a stencil-like portion, which is configured to support therein signage material from said signage donor element; and

three dimensional signage material, from said donor element, inserted into said stencil-like portion of said base element.

REMARKS

Claims 12-18 and 20-31 have been rejected. Independent claims 12 and 25 have been amended. Support for the amendments to claims 12 and 25 may be found throughout the entirety of the specification and figures, but at least in paragraph [0014] and Figs. 1, 2 and 6. New claim 32 has been added. Support for the new claim may be found throughout the entirety of the specification and the figures, but at least in paragraph [0014] and Figs. 1, 2, and 6. Thus, claims 12-18, and 20-32 are pending and are presented for reconsideration and allowance.

The Applicant has thoroughly reviewed the outstanding Office Action including the Examiner's remarks and references cited therein. The following amendments and remarks are believed to be fully responsive to the Office Action. All the pending claims at issue are believed to be patentable over the cited references. Withdrawal of all outstanding rejections is respectfully requested in view of the foregoing amendments and following remarks.

CLAIM REJECTION—35 U.S.C. § 102(b)

Claims 25-28 are rejected under 35 U.S.C. § 102(b) as being anticipated by Nemzin et al. (U.S. Patent No. 5,223,316) ("Nemzin"). The Examiner relies on Nemzin to teach all aspects of the claims. This rejection is respectfully traversed in view of the following remarks.

The preamble of claim 25 is limited to "wall base." The preamble limits the claimed invention to structural material that can be used as wall base. Thus, the framework against which patentability is measured is not all base elements broadly but base elements suitable for use as wall base. Wall base has a generally accepted meaning in the building, flooring and carpeting industry. (Specification, page 5, lines 1-6). An internet search for the word "wall base" readily

reveals the generally accepted understanding of what wall base is. To this end, Nemzin does not disclose wall base, and thus does not anticipate the invention defined in claim 25.

Furthermore, claim 25 has been amended to recite “a base element adapted to be secured to an area where a wall meets a floor in a joint having a mounting surface adapted to secure to [[a]] the wall and an overlaying portion adapted to overlap a portion of [[a]] the floor so that the area where the wall meets the floor is hidden behind a length of said base element when said base element is securably mounted to the area where the wall meets the floor, said base element defining an integral sign therein.” Nemzin clearly does not disclose these features of claim 25 and is clearly not configured to be mounted to the joint between a wall and a floor.

Accordingly, the Applicant submits that claim 25 is not anticipated by Nemzin and that claim 25 is in condition for allowance. Since claims 26-28 depend from claim 25 and claims which depend from an allowable claim are also deemed to be allowable, claims 26-28 are also deemed to be in condition for allowance by virtue of their dependency from believed allowable claim 25. Therefore, withdrawal of the rejection of claims 25-28 over Nemzin is respectfully requested.

CLAIM REJECTION—35 U.S.C. § 103(a)

Claims 12-16, 20, 21, 23, and 24

Claims 12-16, 20, 21, 23, and 24 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Studen (U.S. Patent No. 3,280,499) in view of Nemzin. These rejections are respectfully traversed.

Similarly to claim 25 discussed above, claim 12 is directed to a “wall base” and recites “a three dimensioned element which defines a signage recipient base element adapted to be secured

to an area where a wall meets a floor in a joint including a mounting surface adapted to secure to [[a]] the wall and an overlaying portion adapted to overlap and secure to a portion of [[a]] the floor so that the area where the wall meets the floor is hidden behind a length of said three dimensioned element when said three dimensioned element is securably mounted to the area where the wall meets the floor,” as amended. Neither Studen nor Nemzin separately or in combination teach or suggest the claimed combination in claim 12. Further, Studen and Nemzin both relate to children’s games or puzzles (Studen: col. 4, lines 35-41; Nemzin: col. 1, lines 52-57). Children’s games have no relationship to the field of wall base, which has an accepted meaning in the building, flooring, and carpeting industries (page 5, lines 11-16). Thus one of ordinary skill in the art would not look to the art of children’s games and think it obvious to modify the games to come up with the new wall base recited in claim 12.

For at least these reasons, the Applicant submits that claim 12 is nonobvious over Studen in view of Nemzin.

Therefore, in view of the above, the Applicant submits that claim 12 is nonobvious over Studen in view of Nemzin and that claim 12 is in condition for allowance. Since claims 13-16, 20, 21, 23 and 24 depend from claim 12, and claims which depend from an allowable claim are also deemed to be allowable, claims 13-16, 20, 21, 23 and 24 are also deemed to be in condition for allowance by virtue of their dependency from believed allowable claim 12. Therefore, withdrawal of the rejection of claims 12-16 and 20, 21, 23, 24 over Studen in further view of Nemzin is respectfully requested.

Claims 17 and 29-31

Claims 17 and 29-31 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Studen (U.S. Patent No. 3,280,499) in view of Nemzin as applied to claim 12 above, and in further view of Forbes et al. (U.S. Patent 6,626,678). Applicant respectfully traverses this rejection.

Claim 17 depends from independent claim 12, and claims 29-31 depend from claim 25. As discussed above, claims 12 and 25 have been amended in a manner believed to place claim 12 and 25 in condition for allowance over Studen in view of Nemzin. Since claims which depend from an allowable claim are also considered to be in condition for allowance, claims 17 and 29-31 are also submitted to be in condition for allowance.

Accordingly, the Applicant respectfully requests that the rejection of claims 17 and 29-31 under 35 U.S.C. § 103(a) be withdrawn.

Claims 12 and 18

Claims 12 and 18 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Studen (U.S. Patent No. 3,280,499) in view of Nemzin as applied to claim 12 above, and in view of in further view of Wright. (U.S. Patent 2,535,619). Applicant respectfully traverses this rejection.

Claim 18 depends from claim 12, and as discussed above, claim 12 has been amended in a manner believed to place claim 12 in condition for allowance over Nemzin in view of Studen. Obviously, Wright does not cure the deficiencies of Studen in combination with Nemzin. Therefore, Applicant submits that claim 12 is allowable over Studen, in view of Nemzin in view

of Wright, and that claim 18 is allowable by virtue of its dependency from believed allowable claim 12.

Therefore, the Applicant respectfully requests that the rejection of claims 12 and 18 under 35 U.S.C. § 103(a) be withdrawn.

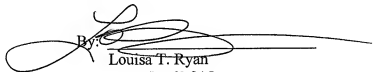
CONCLUSION

All rejections and objections having been addressed, it is respectfully submitted that the above-identified application is in condition for allowance. An early and favorable action on the merits is respectfully requested. If the Examiner believes that the application is not in condition for allowance, the Applicant respectfully requests that the Examiner contact the undersigned by telephone in order to expedite prosecution of the application.

It is believed no fee is due in the filing of this Response; however, if the Commissioner deems it necessary, please charge any deficiency or credit any overpayment to Deposit Account 50-2036, referencing attorney docket no. 15998.000023.

Respectfully submitted,

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